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STEPHEN D. COAN
STATE FIRE MARSHAL

MEMORANDUM

To: Heads of Fire Department

From: Stephen D. Coan and Peter J. Ostroskey
State Fire Marshal Deputy State Fire Marshal

Date: March 18, 2015

RE: **Suggested Liability Release for Fire Departments participating in Smoke and Carbon Monoxide Detector Giveaway and Installation Programs**

Many of your departments are currently, or soon will be, looking to participate in one of several government grant or private donation programs in which certain residential properties will be qualified to receive smoke and/or combination smoke/carbon monoxide detectors provided under Senior SAFE grants or donated in partnership with the American Red Cross, or any other government or private donor program.

While we encourage participation in these very worthwhile programs, General Counsel has advised that you be informed there is always a risk of liability on the part of the city/town/fire district and their employees in providing or installing these devices, if or when they fail to properly perform or the batteries are not changed.

In order to protect the participating municipalities and fire districts and their employees, General Counsel has attached a sample draft **“Hold Harmless, Waiver and Release”** which can be transferred to government letterhead and executed as a condition by the recipient of their receiving such alarms and/or installation. In fact, careful consideration should be given to using a similar release whenever your fire department is donating and/or installing any device i.e. nightlights, hood extinguishers, etc. under a local program.

As always, this document is provided solely as a recommendation and you are urged to seek advice from your city, town or fire district legal counsel regarding your jurisdiction’s use of this document. If you or your legal counsel have any questions, please contact General Counsel, Steven Rourke, at (978) 567-3182.

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